


<b>Application Number</b> 	<b>Application/Control No.</b> 10/776,389	<b>Applicant(s)/Patent under Reexamination</b> VENOLIA, DANIEL SCOTT	
<b>Document Code - DISQ</b>		<b>Internal Document – DO NOT MAIL</b>	

<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> <b>APPROVED</b>	<input type="checkbox"/> <b>DISAPPROVED</b>
Date Filed : October 16, 2007	This patent is subject to a Terminal Disclaimer	

<b>Approved/Disapproved by:</b>
Henry D. Jefferson

**T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT**

Date:	12/05/07	APPL. S. N:	10776389
To Examiner:	Brier, Jeffery	Art Unit	2628
From	Henry Jefferson PARALEGAL SPECIALIST	Return This Memo To: Case Drop-Off Location	2D68

**SUBJECT:** Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- ☐ The TD fee of  has not been submitted nor is there any authorization in the application file for the use of a deposit account
- ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
- ☐ The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
- ☐ The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see 14.26 & 14.26.02).
- ☐ The person who signed the T.D.:
- ☐ is not an attorney “of record” (see 14.29 and 14.29.01).
- ☐ has failed to state his/her capacity to sign for the business entity (see 14.28).
- ☐ is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
- ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
- ☐ The T.D. is not signed (see 14.26 & 14.26.03).
- ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
- ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
- ☐ The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
- ☐ Other:
- ☐ Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date:

**CERTIFICATE OF MAILING/TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS-Web on the date shown below.

<u>October 17, 2007</u> Date of Transmission	<u>Elizabeth J. Martinez</u> Name	<u><i>Elizabeth J. Martinez</i></u> Signature	<u>10-17-07</u> Date
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4860P0539D4

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	
	)	
Daniel Scott Venolia	)	Examiner: Brier, Jeffery A.
	)	
Serial No.: 10/776,389	)	Art Unit: 2628
	)	
Filing Date: February 10, 2004	)	Conf. No.: 3938
	)	
For: ZOOMING CONTROLLER	)	
	)	

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

The undersigned attorney represents that the undersigned attorney is the attorney of record for the above-referenced patent application.

The assignee of the entire right, title, and interest in and to the above-referenced patent application is Apple Inc. ("assignee"),  
(Name of Assignee)

a California corporation having a place of business at  
(State of Incorporation)

1 Infinite Loop, Cupertino, California, U.S.A., 95014.  
(Address)

Ser. No. 10/776,389  
Filing Date: February 10, 2004

- 1 -

Examiner: Brier, Jeffery A.  
Art Unit: 2628



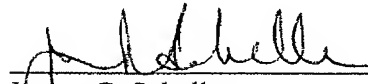
Please charge Deposit Account No. 02-2666 for \$ 390.00 for the fee for three (3)  
Terminal Disclaimers under 37 C.F.R. § 1.20(d).

Please charge Deposit Account No. 02-2666 for any fee deficiency that may be due. A  
duplicate of this Terminal Disclaimer is enclosed for Deposit Account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: Oct. 16, 2007

  
James C. Scheller  
Reg. No.: 31,195

1279 Oakmead Parkway  
Sunnyvale, California  
94085-4040  
(206) 292-8600

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(Address)

Ser. No. 10/776,389  
Filing Date: February 10, 2004

- 1 -

Examiner: Brier, Jeffery A.  
Art Unit: 2628

The terminal part of any patent granted on the above-identified application that would extend beyond the expiration of the full statutory term of

X United States Patent No. 6,366,303 B1, entitled  
ZOOMING CONTROLLER, and dated  
April 2, 2002, as presently shortened by any terminal disclaimer,

       any patent granted on application number 0\_/\_\_\_\_\_  
is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

X United States Patent No. 6,366,303 B1,  
       any patent granted on application number 0\_/\_\_\_\_\_,  
this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors, or assigns.

No disclaimer is being made as to any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of

X United States Patent No. 6,366,303 B1, as presently  
shortened by any terminal disclaimer,

       any patent granted on application number 0\_/\_\_\_\_\_  
in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.


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BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: Oct. 16, 2007

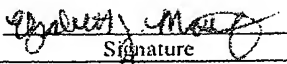
  
James C. Scheller  
Reg. No.: 31,195

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(Address)

Ser. No. 10/776,389  
Filing Date: February 10, 2004

- 1 -

Examiner: Brier, Jeffery A.  
Art Unit: 2628

The terminal part of any patent granted on the above-identified application that would extend beyond the expiration of the full statutory term of

  X   United States Patent No.   6,778,195 B2  , entitled  
  ZOOMING CONTROLLER  , and dated  
  August 17, 2004  , as presently shortened by any terminal disclaimer,  
           any patent granted on application number 0   /  

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

  X   United States Patent No.   6,778,195 B2  ,  
           any patent granted on application number 0   /  

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors, or assigns.

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shortened by any terminal disclaimer,  
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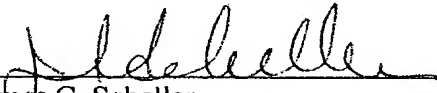
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